

EXHIBIT FF

Condensed Transcript of

Machinksi, Adele J. (Vol. 01) - 12/17/2008

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Condensed Transcript of Machinski, Adele J. (Vol. 01) - 12/17/2008
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 3 IN THE UNITED STATES DISTRICT COURT
 4 FOR THE WESTERN DISTRICT OF TEXAS
 5 AUSTIN DIVISION
 6
 7 HITUL GANDHI, individually)
 8 and on behalf of a class of)
 9 others similarly situated,)
 10)
 11 Plaintiff,)
 12)
 13 vs.) NO. A-08-CA-248-JRN
 14)
 15 DELL INC., and DELL)
 16 MARKETING USA, L.P.,)
 17)
 18 Defendant.)
 19
 20 CATHERINE L. DAVIS and TOMMY)
 21 MOORE, Individually and on)
 22 Behalf of others similarly)
 23 situated,)
 24)
 25 vs.) No. A-08-CA-794-JRN
 26)
 27 DELL, INC. d/b/a DELL)
 28 COMPUTER, INC., a Delaware)
 29 corporation, DELL USA L.P.,)
 30 a Texas Limited Partnership)
 31 and DELL MARKETING L.P., a)
 32 Texas Limited Partnership,)
 33)
 34 Defendant.)
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1 A That's correct.
 2 Q And what about the log-off time, is
 3 that also a manual log-off time?
 4 A It's manual for the employee to go into
 5 KRONOS and say "This is what time I left for the
 6 day."
 7 Q Okay. Is that the same thing as the
 8 hours being calculated for the person being
 9 worked that day? Does that make sense?
 10 A What the employee enters as the time I
 11 began work and the time I end work?
 12 Q Uh-huh.
 13 A That is the time that they're paid for.
 14 Q Okay. There's been some suggestion in
 15 this case about KRONOS deducting one hour for
 16 lunch.
 17 A Are you aware that KRONOS deducts
 18 automatically one hour for lunch every day?
 19 Q Yes.
 20 Q Okay. And that's something that's been
 21 preset in the KRONOS programming by Dell;
 22 correct?
 23 A Yes.
 24 Q Is there a policy with regard to if an
 25 individual does a work through lunch, you know,

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1 Q Who would I need to ask about that? Is
 2 that the KRONOS management people, or what
 3 division or department?
 4 A I don't know. I would assume someone
 5 that has ownership for KRONOS. And I just don't
 6 know that, who that is.
 7 Q Okay. Are you physically working in
 8 the same vicinity as business sales
 9 representatives on a queue, ma'am?
 10 A I'm in the same building.
 11 Q Are you on a different floor?
 12 A Yes.
 13 Q Okay. So you don't really observe
 14 these folks as they're doing their daily duties
 15 and taking phone calls, do you?
 16 A Sometimes.
 17 Q Are you aware that Dell, from time to
 18 time, or frequently, really, brings in lunch for
 19 the individuals to do some training about
 20 products that are being offered?
 21 A Yes.
 22 Q Okay. Is there any tracking of how
 23 often that's done and what days that's done?
 24 A Not that I'm aware of.
 25 Q Is there any way we could determine,

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1 for example, if they attend a training or
 2 something like that, whereby they can get
 3 compensated for either all or a part of the time
 4 they worked during lunch?
 5 A Yes. They should enter -- they should
 6 record the actual time that they worked, and if
 7 they worked through lunch, they should record
 8 that they worked through lunch.
 9 Q How are they able to record that they
 10 worked through lunch?
 11 A It's through the KRONOS tool.
 12 Q And do you know how that's done through
 13 the KRONOS tool?
 14 A I don't specifically know how to do it
 15 because I've never had to do it, but my
 16 understanding, you -- it's -- I think you sign
 17 in, you sign out, you sign in, you sign out
 18 again.
 19 Q Okay.
 20 A But I'm not 100 percent because I've
 21 never had to do it or I don't know if there's an
 22 exception button or something to take it away.
 23 Q Okay. Now, is there a way to stop
 24 KRONOS from deducting the hour?
 25 A I don't know.

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1 for example, if you look at a particular week on
 2 a calendar in any given week during the year,
 3 what events took place during the lunch hour that
 4 week? Is there any way we could find this
 5 information out?
 6 A I don't know.
 7 Q You don't know --
 8 A I don't know because I don't know if
 9 they keep records of it. I just don't know.
 10 Q Do you have any idea who would
 11 coordinate lunches being brought in for sales
 12 representatives?
 13 A It is generally someone within the
 14 business. I don't know if it's always the same
 15 individual, if it's the -- I don't know who
 16 brings it in, honestly, or who coordinates it.
 17 Q Okay. And when you say "somebody
 18 within the business," are you talking about
 19 somebody within the business segment?
 20 A So for SMB, someone within SMB. If it
 21 was the channels group, someone within the
 22 channels group. If it was EPP or the ATG group,
 23 somebody within that group.
 24 Q Okay. And are you aware whether or not
 25 Dell makes any effort in its time keeping

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1 mechanism to reprogram KRONOS on the days that
 2 those presentations are being made during the
 3 lunch hour?

4 A To reprogram KRONOS?

5 Q Yes, such that it's not going to deduct
 6 the hour for lunch.

7 A I don't know.

8 Q You're not aware of that happening, are
 9 you?

10 A No.

11 Q Is Dell essentially leaving it up to
 12 the employees who attended those trainings during
 13 lunch to correct the deduction of time being made
 14 for the lunch hour?

15 A The direction always to the employees
 16 is to "Record all hours worked. And if you work
 17 through lunch, make sure you record that you work
 18 through lunch."

19 Q Okay. In the training materials, is
 20 your group and the various -- well, in your new
 21 hire orientation, for example, are you letting
 22 them know that an hour is going to be deducted
 23 unless they report working during that time?

24 A I don't know, because I don't know if
 25 we talk about KRONOS. I can't recall talking

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1 Q And you have sat through these training
 2 sessions before; correct?

3 A I sat through new employee orientation
 4 as a new employee, and I don't remember
 5 everything that was talk -- and I don't remember
 6 being -- talking about KRONOS in that time. I
 7 just know that it happened -- that it happens.

8 I don't -- you know, I haven't sat -- I
 9 don't sit through every new -- I don't sit
 10 through any of the new employee orientations,
 11 actually, after my own.

12 I'll come in and observe pieces of it,
 13 but -- so I don't think it's a new employee
 14 orientation, but I'm really not sure.

15 Q Let's talk about just training sessions
 16 in general or team meetings that may occur during
 17 the business day. It's my understanding the
 18 queue folks, there's maybe 10 to 15 of them that
 19 report to a manager; correct?

20 A That's correct.

21 Q And then you have several different
 22 managers, and they're all reporting up to an ISR.
 23 Is that accurate?

24 A ISM, yes.

25 Q ISM. Okay. And from time to time,

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1 about KRONOS in the new hire orientation.

2 Q Do you know who's responsible for doing
 3 any presentations on KRONOS? I mean, you're
 4 aware that some KRONOS presentations are done.

5 A Yes.

6 Q But you're not aware whether or not
 7 they present that information about the deduction
 8 for lunch?

9 A My assumption is that it is.

10 Q But you don't know for sure?

11 A I'm pretty sure, because just every
 12 conversation that -- that I've had with an
 13 employee or that I've heard managers talk about
 14 or when they're having the lunches --

15 Q Uh-huh.

16 A I don't ever recall sitting in on a
 17 training session, though, where they're talking
 18 about KRONOS and saying "Make sure that you're
 19 doing this."

20 Q Okay. You don't ever recall being
 21 present during that --

22 A Right.

23 Q -- and talking about that particular
 24 issue?

25 A Correct.

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1 there's going to have to be a huddle of the
 2 manager with the folks on his queue -- his or her
 3 queue; correct?

4 A Yes.

5 Q Does Dell generally request that those
 6 take place either before the shift starts or
 7 afterward? Or what's the policy, if you know?

8 A No policy. We do expect that our
 9 managers have team meetings, huddle with the
 10 teams, are usually during the workday --

11 Q Okay.

12 A -- is my understanding.

13 Q Is there time that's built into the
 14 shift to take this team off line during the shift
 15 and make them unavailable for calls so they can
 16 have their huddle? I'm assuming they can't have
 17 the huddle and be taking calls; correct?

18 A Correct.

19 Q Because the manager needs to speak to
 20 everyone?

21 A Correct.

22 Q So are you saying they're going to take
 23 time off the queue to have their huddle or do you
 24 think it's really happening sometime after the
 25 shift's over?